Equality and Human Rights Commission

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Minutes of the 114th meeting of the Board of the EHRC

17 October 2023 (13:00 to 17:30)
Boardroom, EHRC Office, Arndale House, The Arndale Centre, Manchester, M4 3AQ

Attending

Commissioners
Kishwer Falkner (Chairwoman), Lesley Sawers (Interim Deputy Chair), Eryl Besse, Jess Butcher, Joanne Cash, David Goodhart, Alasdair Henderson, Kunle Olulode, Akua Reindorf

Officers
Cath Denholm, Acting Chief Executive
John Kirkpatrick, Deputy Chief Executive
Moya Alcock, Director of Communications
Cihan Altan, Chief of Staff
Naomi Fawcitt, Head of Private Office
Melanie Field, Chief Strategy and Policy Officer (items 2 to 8)
Bill Malloy, Director of Finance, Governance and Planning
Victoria Mearns, Corporate Governance
Beverley Reid, Head of Business Improvement (item 12)
Will Taylor, Head of Strategy (item 12)

Guests
Helen Anderson, Government Equality Hub

1. Chairwoman's welcome and apologies

1.1 The Chairwoman welcomed attendees to the meeting, extending a special welcome to the EHRC's new Deputy Chief Executive. The Chairwoman noted that this would be the Chief Policy and Strategy Officer (CPSO) and Head of Private Office's last Board meeting and offered them both enormous thanks for their service to the Commission.

1.2 Apologies for absence were received from the CEO, who is on sick leave. The Chairwoman noted that Su-Mei Thompson would be taking a six-month leave of absence from the Board, to be reviewed in January 2024.

2. Declarations of interest

2.1 The Scotland Commissioner noted that her interest in de-banking is ongoing. She declared a new interest as the Director of GenAnalytics, which has this year received grant funding from the Scottish Government to deliver a one-day conference on ageing on behalf of the Older Persons Strategic Forum. She also noted that she has recently been asked to join the Board of ladies' football team Boroughmuir Thistle.

2.2 Akua Reindorf declared an interest with regards to the CEO report in the Race Legal Support Fund case involving the British Transport Police, advising that she would recuse herself if there was any discussion on this point.

3. Minutes of the 113th Board Meeting

3.1 The Board approved the minutes of the meeting of 14 September as an accurate record subject to a minor amendment to paragraph 8.1.

4. Actions Arising

4.1 The Board noted the action log.

4.2 The Chairwoman requested that an update on the estates and locations strategy be brought forward to the January Board meeting following its further review at the December People and Workspaces Committee (P&WC).

Action: Governance Team to amend the Board forward schedule to say that the updated Estates and Locations strategy will be provided at the January Board meeting.

4.3 Commissioners requested that the action to arrange a joint Commissioner and Leadership Team facilitated workshop be scheduled for completion after next year's Easter break.

4.4 The Chairwoman requested that any draft minutes brought to the Board be reviewed by the Committee Chair and be submitted to all Committee Members for comment in advance of the meeting to ensure the rolling actions log is accurate and fully up to date.

4.5 The Chairwoman queried the progress of some actions on the action log and requested it be thoroughly reviewed ahead of the next meeting.

5. Committee and Commissioner Working Group updates

5.1 The Chair of the Audit and Risk Assurance Committee (ARAC) advised that ARAC had not met since the last Board meeting. The next formal meeting will be held on 5 December in person at the Manchester Office. The ARAC Chair confirmed that the Chairwoman would like to meet with the ARAC in advance of their December meeting and asked that the Governance Team arrange this.

Action: Governance Team to arrange an informal meeting with the ARAC and the Chairwoman in advance of the formal 81st ARAC meeting in December.

5.2 The Chair of P&WC advised that the Committee met on 19 September and that the EHRC Chairwoman was in attendance. The Committee discussed the People and Infrastructure Dashboard and risks, noting that the picture is increasingly stable; the Building our Commission programme, which is to be used to support the organisation move forward in the agreed direction of travel; Key Performance Indicators; and the option of outsourcing for exit interviews. The P&WC Chair provided an update on the Anti-Bullying and Harassment training, advising that training has been agreed and booked with ACAS and will be rolled out across the organisation. The P&WC Chair advised that the Committee agreed to the People survey being run in November, reporting in Spring 2024. A pulse survey to seek feedback on the Board will be considered to coincide with board effectiveness reviews, and there will be a dialogue with the Board on appropriate areas for questions, in order to improve feedback. The P&WC Chair noted that the Committee required several reviews, including a review of why the bullying and harassment training had been delayed and of the employment tribunal, particularly how decisions are made between the Board and the executive with regard to some of these matters. The P&WC Chair thanked the Wales Commissioner for all of her work as Chair of P&WC, and advised that she would be continuing on as a Committee Member.

Action: Acting Chief Executive to liaise with Chair of People and Workspace Committee to agree timing and delivery of all reviews.

5.3 The Chair of the Statutory Report Commissioner Working Group (CWG) advised that the CWG has not met since the last Board meeting. He advised that the Minister for Women and Equalities has approved the process for laying the report in Parliament, and that a written ministerial statement will be laid in Parliament on 31 October. The executive summary and Wales and Scotland reports are finalised and will be published on the same day. The launch will be supported with a full press and social media plan. The Chairwoman asked that the Board's thanks be conveyed to the Evidence and Communications teams for their work on this.

Action: Private Office to arrange for a letter of thanks for work on the Statutory Report to be sent to the Evidence and Communications teams.

5.4 The Chair of the Human Rights Monitoring (HRM) CWG advised that the CWG had not met since the last Board meeting. He advised that the UN Human Rights Committee will examine the UK's compliance with the International Covenant on Civil and Political Rights in March 2024, and that we are preparing a submission; we are preparing short supplementary information for the UN Committee on the Rights of Persons with Disabilities; and our letter to inform the Council of Europe's engagement with the UK Government on compliance with the Istanbul Convention is undergoing final sign-off before submission in November. The Chairwoman thanked Alasdair Henderson for stepping back into the role in Su-Mei Thompson's absence.

5.5 The Scotland Commissioner advised that the Scotland Committee had not met since the last Board meeting, and the next formal meeting will be held on 12 December in person in Glasgow. She advised that the new Scotland Committee members have been announced publicly and thanked the Executive for their work in organising the Scotland Committee development and induction day on 9 November.

5.6 The Wales Commissioner advised that the Wales Committee had not met since the last Board meeting, and that they will meet on 1 November in Cardiff for a development day, before their next formal meeting on 7 December.

6. CEO Report and Chairwoman's update

6.1 The Board noted the CEO Report.

6.2 The Board approved the appointment of Joanne Cash as the new Chair of P&WC.

6.3 The Scotland Commissioner advised that an informal meeting of non-recused Commissioners took place on 10 October and that no decisions were made.

6.4 The Chairwoman requested that the Board be provided with an up-to-date organisational structure for the Commission.

Action: Director of People and Infrastructure to provide the Board with an organisational structure for the Commission

6.5 Discussing the recent employment tribunal successfully defended by the Commission, it was agreed that the outcome should be publicised and a statement provided to the media outlet which had shown an interest in the case.

Action: Director of Communications to arrange agreed communications regarding the employment tribunal.

6.6 Commissioners requested that cases in the litigation section of the CEO Report be numbered, and that it is clearly noted which cases are for Scotland and which are for Wales.

Action: Private Office to ensure that future CEO Reports number each case and clearly identify which cases are for Scotland and Wales.

6.7 Following discussion of regulatory work with Govia Thameslink Railways (GTR), the Director of Communications advised that she is working on a more transparent policy for publicising regulatory work.

6.8 The Chairwoman shared further information on the Abrahart v University of Bristol case with the Board.

6.9 Commissioners requested an update on the Code of Practice for Services, Public Functions and Associations.

Action: Akua Reindorf and Alasdair Henderson to be invited to discuss the Code of Practice for Services, Public Functions and Associations with the legal team.

6.10 Commissioners noted the intention to collaborate with Arif Ahmed and his team on updated guidance on free speech in universities and that a meeting is planned.

Action: Private Office to ensure the Chairwoman and Akua Reindorf are invited to join this meeting.

6.11 The Acting Chief Executive advised that a detailed mid-year finance review had been conducted. The Leadership Team have identified savings that can be made, but the proposals carry risks and considerations for the organisation. She proposed an additional meeting with herself, the Director of Finance, Planning and Governance, the Deputy Chief Executive, the Chairwoman, the Deputy Chair, the ARAC Chair and the P&WC Chair to discuss the options in depth. The Chairwoman requested that an update be prepared for the next Board meeting.

Action: Governance Team to arrange an early budget discussion between the Executive, Chair, Deputy Chair and Chairs of ARAC and P&WC.

Action: Director of Finance, Planning and Governance to provide an update at the November Board meeting.

7. Equality and Human Rights Monitor Communications plan

7.1 The Board approved the communications plan for the Equality and Human Rights Monitor.

7.2 The Director of Communications advised that Commissioners Jess Butcher and David Goodhart will review the communications plan.

7.3 The Chairwoman suggested that the planned communications strategy appeared unbalanced in that it highlighted the regression in some aspects of equality and human rights without sufficient context and that a better balance could be struck between positive and negative findings.

7.4 The Scotland Commissioner and Wales Commissioners both emphasised the need to be prepared to answer questions on the performance of specific areas of Britain and to be prepared to explain how the issues differ between Scotland, Wales and England. The Director of Communications advised there would be press releases specific to Scotland and Wales and that executive summaries were being prepared for Scotland and Wales. The Wales Commissioner advised that the report will be debated in the Senedd on 6 December.

7.5 The Government Equality Hub confirmed that they were content with the analysis in the report.

7.6 Discussing the potential media impact of the release of the report, Commissioners noted the reference nature of the Monitor, which does not lend itself easily to headlines. They encouraged officers to engage widely across different sides of the press. Longform podcasts were also suggested as a useful communication form in this context.

8. Governance review

8.1 The Chairwoman advised that this item will be postponed for decision to a future Board meeting.

9. Board and Committee meeting schedule, April 2024 to June 2025

9.1 The Board approved the Board and Committee meeting schedule, April 2024 to June 2025.

9.2 The Board agreed to move the January 2024 Board meeting location from Cardiff to London due to travel and weather concerns and to hold the May 2024 meeting in Cardiff instead.

Action: Governance Team to arrange for the January 2024 Board meeting to be held in London, and the May 2024 Board meeting to be held in Cardiff.

9.3 The P&WC Chair advised that P&WC required an additional meeting, preferably at the front end of next year. She also advised that P&WC require an additional meeting this year.

10. Strategy and Business Planning

10.1 The Board agreed the timeline and approach to the 2025-28 Strategic Plan.

10.2 The Board approved the proposed approach to planning and the timeline of the Business Plan 2024/25.

10.3 The Board discussed the approach to development of the 2025-28 Strategic Plan. Comments and observations from Commissioners included:

a) the potential issues of a late general election, including how this would affect our statutory duty to formally consult, as well as engage stakeholders whose attention could be distracted; and
b) that March 2025 will be an early Easter and the early rising of Parliament will need to be taken into consideration in plans to lay the plan before Parliament.

10.4 The Board discussed the 6-month Business Plan 2023/24 performance report. The Chairwoman queried the potential impact of budget pressures on the delivery of the plan. The Director of Finance, Planning and Governance advised that he expected the majority of work to be able to continue, with some work pushed forward into next year or reconsidered, noting that we were still only halfway through the current strategic plan and had some flexibility to adjust plans. some delivery areas will be impacted, with the potential for some to be pushed to next year or amended, however the majority will continue. He noted that we are only halfway through the strategic plan journey issued two years ago, therefore there is still scope to deliver next year.

10.5 The Board discussed business planning 2024/25, noting that a first draft of the plan would be brought to the Board in January.

10.6 The Scotland Commissioner queried the encouragement of local business plans and what this might involve. The Acting Chief Executive advised that the intention is for all teams to have their own ‘functional plans’ which account for their business as usual professional delivery as well as the contribution their teams making to the cross-cutting strategic areas of focus. The intention is to improve delivery and accountability.

11. AOB

11.1 The Chairwoman advised that the Board away day would start at 9 am the following day.

11.2 The Chairwoman advised that the next Board meeting will be held in person on 23 November in London.

11.3 The Board noted the Forward Schedule, and the draft minutes of recent Committee meetings.

11.4 With no other business, the Chairwoman closed the meeting.